

## **Chapter 15.28**

### **HIGHWAY DEDICATION**

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#### **15.28.010 Dedication and improvement required.**

Except as otherwise provided in section 15.28.020, no building or structure shall be erected, reconstructed, structurally altered or enlarged, and no building permit shall be issued therefor, on any lot or parcel of land which abuts a major or secondary highway within the city, as shown on the official major and secondary highway plan from time to time adopted or amended by the city (or similar element of the city's general plan) (the "Street Plan") on file with the community development director and made part of this chapter by reference, or other public street which does not conform to current city width standards, unless the portion of such lot or parcel within the right-of-way of the highway to be widened or requiring additional street width has been dedicated to the city and improved. The dedication and improvements shall meet the standards for such highway or street as provided in section 15.28.060.

#### **15.28.020 Exceptions.**

A. The maximum area required to be dedicated shall not exceed 25% of any lot or parcel which was of record in the county recorder's office on the effective date of the ordinance codified in this chapter. In determining the amount of area required for dedication

for purposes of this exception, any highway area which previously has been dedicated to the public through public use shall not be included.

B. Such required dedication shall not reduce the lot or parcel to less than 5,000 square feet.

C. Dedication shall not be required on those portions of a lot occupied by a main building existing on the effective date of the ordinance codified in this chapter.

D. Additional improvements shall not be required on a lot where paved surface, curb, gutter and sidewalk improvements in good condition exist within the present right-of-way, unless use is changed from agricultural or single-family dwelling to a commercial, industrial, office or two-family dwelling or more.

E. Dedication shall not be required for remodelings, additions and accessory buildings incidental to a single-family dwelling, used as a residence, existing on the lot as of the effective date of the ordinance codified in this chapter, provided that no additional dwelling units are created.

F. Dedication shall not be required for additions or accessory buildings clearly incidental to a main building existing on the lot as of the effective date of the ordinance codified in this chapter, provided that the cumulative floor area of all such additions and accessory buildings does not exceed 200 square feet or 20% of existing square footage, whichever is greater.

#### **15.28.030 Dedication procedure.**

A. Any person or other entity required to dedicate land under the provisions of this chapter shall execute an offer to dedicate and a warranty deed or other deed form acceptable to the city properly executed by all parties of interest in such terms as to be binding on the owner, his/her heirs, assigns or successor in interest. The offer to dedicate, deed, and a title report shall be filed with the community development director. No title report need be

furnished in cases where the community development director determines the property in question is within a street being maintained by the city as dedicated to the public by use.

B. The community development director shall review the offer to dedicate and deed for completeness and compliance with city requirements which shall thereafter be promptly processed and submitted to the manager for final acceptance. The dedication shall be complete when the deed is recorded in the office of the county recorder after its acceptance by the city.

C. For purposes of this chapter, dedication shall be considered as satisfactorily assured when the offer to dedicate and deed have been approved by the community development director.

#### **15.28.040 Building permit issuance.**

When all dedication and improvements required by this chapter have been completed or assured as provided in this chapter, a building permit may be issued.

#### **15.28.050 Lots affected by dedication.**

On a lot affected by the dedication required under the provisions of this chapter, all required yards, setbacks, parking area, loading space and building locations for new buildings or structures or additions to buildings or structures shall be measured and calculated from the new lot lines created by the dedication. However, in applying all other provisions of the zoning ordinances of the city, such lot shall be considered in an area as that which existed immediately prior to dedication.

#### **15.28.060 Improvement standards and procedures.**

A. Major and secondary highways within the city shall be dedicated to the width indicated on the Street Plan with a cross-section as shown in the city highway standards, except as provided elsewhere by appropriate authority.

B. "Improvements" means those im-

provements required under the city subdivision ordinance which shall be installed in accordance with the standards required under the subdivision ordinance.

C. The community development director must approve variations from the standards described in this section, as necessary, considering the conditions of terrain and existing improvements contiguous thereto.

D. Improvements required under the provisions of this chapter shall be assured when they are completed to the satisfaction of the community development director as required in this chapter or a bond has been filed guaranteeing their completion within one year.

E. If the manager determines that the required improvements should be completed in a specified sequence and/or in less than a one-year period in order to protect the health, safety and welfare of the city or its residents from traffic, flood, drainage or other hazards, the city may require in approving the bond that the improvements be installed in a specified sequence and period which may be less than one year and shall incorporate such requirements in the bond.

#### **15.28.070 Appeal.**

Any person may appeal to the city council or its designee any determination in connection with the administration, enforcement and other provisions of this chapter. The appeal must be submitted in triplicate and must also provide sufficient information to provide for a proper determination.

#### **15.28.080 Amendments to highway plan.**

Amendments to the Street Plan may be made by the city after receiving recommendations from the community development director.